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DEFINITIONS

Bullying

As defined in Texas Education Code § 37.0832(a)-(b),

_Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a)(1), and that:

i) has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;

ii) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

iv) infringes on the rights of the victim at school; and includes cyberbullying._

Cyberbullying

As defined in Texas Education Code § 37.0832 (B)(2),

_Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. This applies to:

1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;_

2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and

3) cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

(a) interferes with a student’s educational opportunities, or

(b) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity._
Harassment

As defined in Texas Education Code § 37.001(b)(2),

*Harassment means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical conferment or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health or safety.*

Retaliation

*Any form of intimidation, reprisal, or harassment directed against a student or individual who reports bullying, provide information during an investigation of bullying, or witnesses and/or has reliable information about bullying that has occurred.*
How TSD determines if the conduct meets the Texas definition of bullying

- On campus
- School-sponsored/school related activity
- School bus/vehicle
- Off campus (cyberbullying)

- Interferes with a student’s education
- Substantially disrupts school operations or activities

- Written
- Verbal
- Visual
- Physical
- Electronic

Has the effect of:
- Physical harm
- Damaging student property
- Placing the student in fear of harm to person or property or:
  - Is sufficiently severe, persistent, and pervasive to create an intimidating environment

Exploits an imbalance of power

Yes

Yes

Yes

Bullying
GOVERNING BOARD POLICY

TSD has adopted a governing board policy, including procedures concerns bullying that:

- Prohibits the bullying of a student;
- Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
- Establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported, and a parent or guardian of the alleged bully within a reasonable amount of time after the incident;
- Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
- Sets out the available counseling options for a student who is a victim of or a witness or bullying or who engages in bullying;
- Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
- Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student’s use of reasonable self-defense in response to the bullying; and
- Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

REPORTING PROCEDURE

Reporting by Faculty and Staff

Teachers and staff members will report immediately to a supervisor if he/she witnesses or becomes aware of bullying, cyberbullying, harassment, or retaliation involving a student. This requirement to report does not limit the authority of the staff to respond to managerial or disciplinary actions consistent with TSD Code of Conduct and school policies/procedures for behavior management and discipline.

Reporting by Students, Parents, Guardians, and Others

Students, parents, guardians, and others have several options to report bullying. Reports may be made anonymously.

Parents/guardians and others may request assistance from a school staff to complete a written report.

Students who either believe that they are the victims of bullying or have witnessed bullying are expected to report incidents using several options: reporting verbally to a staff or principal, filling out the incident report or contacting a staff via email. If a verbal
report is made, the principal or a staff will assist the student in completing the incident form.

Students who intentionally or knowingly make a false accusation of bullying, cyberbullying or harassment may be subject to disciplinary action.

INVESTIGATION PROCEDURE

The following are standard guidelines for responding to a report of bullying, cyberbullying, harassment or retaliation. All reports will be taken seriously. These guidelines will be adapted as necessary to respond as appropriately as possible to the report.

The supervisor or administrator will investigate promptly any and all reports of bullying, cyberbullying, harassment, or retaliation. In doing so, consideration will be given to the information available, including the nature of the allegation and the ages of the students involved. Three stages of investigation will take place:

Pre-investigation

Before fully initiating the investigation, the supervisor or administrator will, determine if there is a need to take temporary and immediate actions to support and/or protect the alleged victim from further potential incidents or concern. In taking such action, the rights of both the alleged victim and the alleged bully must be taken into account. Possible adjustments to the school environment or increased supervision will be considered depending on the circumstances.

During Investigation

Investigations will be conducted in a timely manner and be consistent with current school policies and procedures. The investigation should be completed within five school days from the date of the initial report but the administrator or supervisor shall take additional time if necessary to complete a thorough investigation. During the investigation, the administrator or supervisor will interview students, staff, witnesses and parents/guardians as necessary. The investigator will seek to determine the basis of the complaint, gathering information from who reported to determine whether the report meets the definition of bullying or cyberbullying (see definitions on pg. 3).

To the extent possible, given the responsibility to investigate and address the matter, the investigator will maintain the confidentiality of the individual(s) who reported and the witness(es). The supervisor or administrator, upon determination of a substantiated report, will notify the parents/guardians of the student who has been an alleged target and the parents of the alleged aggressor. The administrator or supervisor may only disclose information to parent/guardian about his/her own child.

Post-investigation

School personnel are required to weigh all of the facts and circumstances objectively to determine if the alleged events occurred and if a charge of bullying, cyberbullying, harassment or
retaliation is substantiated. If after investigation, bullying, cyberbullying, harassment or retaliation is substantiated, the supervisor or administrator will take steps reasonably designed to prevent recurrence and to ensure that the victim is not restricted in participating in school or in benefitting from school activities.

The supervisor or administrator will:

1) determine what remedial or adaptive actions are required, if any, and
2) determine what responsive actions and/or disciplinary actions are necessary.

The response will be individually tailored to the circumstances, taking into account the nature of the behavior and the ages of the students involved. All behavior management and disciplinary actions for students who have committed acts of bullying, cyberbullying, harassment or retaliation will be in accordance with the TSD Code of Conduct/school policies.

Depending on the circumstances, the supervisor or administrator may choose to consult with the students’ teachers, support staff, dorm staff (if applicable) and/or school counselor to provide additional support/guidance for those who were involved in the incident.

NOTIFICATIONS

The supervisor or administrator will notify the parents or guardians of the alleged victim on or before the third business day after the date the incident is reported, and a parent or guardian of the alleged bully within a reasonable amount of time after the incident. about the results of the investigation and, if bullying, cyberbullying, harassment or retaliation is found, what action is being taken to prevent further acts of bullying, cyberbullying, harassment or retaliation. All notices to parents must comply with applicable state and federal privacy laws and regulations.

Because of the legal requirements regarding the confidentiality of student records, the supervisor or administrator cannot report specific information to the alleged victim’s parent or guardian about the consequence/disciplinary action taken toward another student unless it involves a “stay away” order or other directive that the victim must be aware of in order to report violations. School personnel, may, however, share information about the process that it was followed leading to the determination of whether bullying did occur, what general measures are being taken to protect the victim from further acts of bullying, cyberbullying, harassment or retaliation, and what is being done to ensure that the target is safe.

RESOURCES FOR STUDENTS AND PARENTS/GUARDIANS

Internet Safety/Cyberbullying

http://www.txssc.txstate.edu/K12/internet-safety
http://www.netsmartz.org/Parents
https://ww.oag.state.tx.us.us/criminal/cybersafety.shtml
http://www.tea.state.tx.us/index2.aspx?id=2147488005
Bullying

http://www.stopbullying.gov/
http://www.violencepreventionworks.org/public/index.page
https://www.oag.state.tx.us/teens/resources/bullying.shtml
http://www.ncpc.org/topics/bullying/what-parents-can-do/
http://kidshealth.org/teen/your_mind/problems/bullies.html
If an employee or parent witnesses or reports incident

Staff member completes incident report and submits to a supervisor or administrator

If a student reports incident to staff member either in person or via email

1. Acknowledge student’s feelings
2. Assess for safety issues that must be addressed immediately
3. Have student complete incident report or staff member completes it for student

Conduct Interviews

Alleged Victim
- Interview first
- Listen carefully and respectfully
- Don't interview with the alleged aggressor
- Record interview

Alleged Bully
- Listen carefully and respectfully
- Focus on the behavior
- Protect the victim’s confidentiality as much as possible
- Share information about procedures including consequences for retaliation against victim and/or individual(s) who made the report
- Record interview

Witness(es)
- Don’t interview with the alleged Bully
- Record interview

Collect information/evidence

Notify parents/guardians of alleged victim within 3 days
Notify parents/guardians of alleged Bully within a reasonable amount of time

1. Determine if the behavior matches the definition of bullying, cyberbullying, harassment or retaliation
2. Assign appropriate consequences; make adaptations to the environment as necessary to assure safety
3. Make referrals to school counselors or behavior staff if needed
4. If there is insufficient evidence, monitor situation closely and inform both parties
5. Determine if educational and curricular resources can help address or improve the situation

1. Document outcome of investigation
2. Inform target of action taken or not taken
3. Notify the victim’s parents/guardians within 3 days
4. Notify parents/guardians of bully within a reasonable amount of time
5. Maintain confidentiality
6. Monitor behavior of students involved
INCIDENT REPORTS

Incident Reports

Incident Reports will be made electronically via Google Documents. Students will have the option of either making a verbal report or filling out an incident report form located in the department office.

In Middle School and High School, all students are given their own TSD email accounts and they may use their TSD emails to contact any TSD staff or teacher to make a report.